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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,748	12/03/2003	Gary M. Lim	PAT-1517	7192

7590 04/27/2005  
Raymond Sun  
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EXAMINER

EDGAR, RICHARD A

ART UNIT PAPER NUMBER

3745

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

(1)

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,748	<b>Applicant(s)</b> LIM, GARY M.	
	<b>Examiner</b> Richard Edgar	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003 under 37 CFR 1.53(b).  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☒ Claim(s) 1-10 is/are allowed.  
 6) ☒ Claim(s) 11-16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/3/2003</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

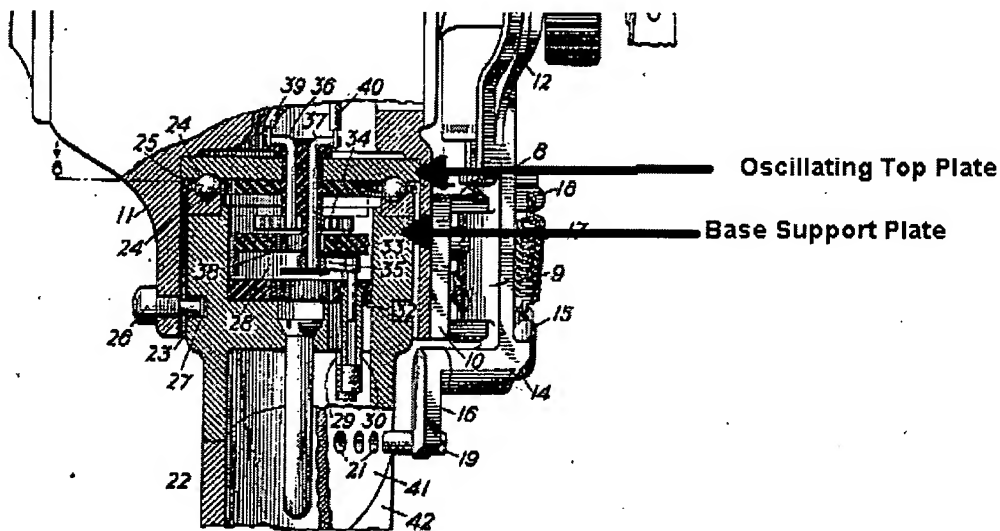
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 1,073,617 (the '617 patent hereinafter).

The '617 patent discloses a fan assembly, comprising: a base portion 22 having a base support plate; a blower portion that includes an oscillating top plate, a blower 2 that is coupled to the top plate and which oscillates when the top plate oscillates; and a smooth glide mechanism 25 positioned between the top plate and the fixed base support plate (see Fig. 5 of the '617 patent annotated below).



The smooth glide mechanism includes a plurality of bearings (see page 2, lines 62-69).

A grill cover 3 is coupled (19,21) to the support plate, the grill cover houses the blower 2.

The top plate has a first annular ball bearing track 24, and the base support plate has a second annular ball bearing track 24, with the bearings 25 seated between the first and second tracks 24.

The bearings 25 are spaced apart along a retainer ring (see Fig. 6).

The '617 patent also shows a smooth glide assembly 25 for supporting the oscillation of an upper piece about a stationary lower piece in an appliance, comprising: an upper piece having a first annular ball bearing track 24; a stationary lower piece having a second annular ball bearing track 24; and a retainer ring (see Fig. 6) having a plurality of bearings 25 spaced apart thereon, the retainer ring positioned between the first and second tracks 24.

#### ***Cited Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Nos. 732,341 (June 30, 1903), 963,849 (July 12, 1910) and 1,334,95 (March 30, 1920) each show oscillating fans having a lower stationary plate (a,

2 and 1, respectively), and an upper oscillating plate (B, 7 and 2, respectively) with a bearing structure (c, 4 and 5, respectively) arranged therebetween.

United States Patent No. 4,486,144 (Hung) teaches a fan wherein the shell or housing 2 oscillates relative to the fan 15.

### ***Allowable Subject Matter***

Claims 1-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-10 each requires the grill cover to remain stationary during oscillation of the oscillating top plate. In all of the cited references, the grill cover oscillates relative to the support plate during the oscillation motion. So, none of the references disclose or fairly suggest the grill cover remaining stationary while oscillating the oscillating plate and the blower. And in the examiner's opinion, one having ordinary skill in the art would not be motivated, outside applicant's disclosure, to modify any of the references so that the grill cover remains stationary during oscillation of the fan since there is no suggestion of such a modification.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (571) 272-4816. The examiner can normally be reached on Mon.-Thur. and alternate Fri., 7 am- 5 pm EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Edgar  
Examiner  
Art Unit 3745

RE



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SUPERVISORY PATENT EXAMINER  
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4/23/05